

6715. Adulteration and misbranding of vinegar. U. S. * * * v. Charles E. McLean (Wallace-McLean Vinegar Co.). Plea of guilty. Fine, \$450 and costs. (F. & D. No. 9063. I. S. Nos. 11174-1, 11175-1, 11946-11952-m. inc.)

On November 7, 1918, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles E. McLean, trading as the Wallace-McLean Vinegar Co., Memphis, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 12, 1916, July 19, 1916 (2 shipments), July 22, 1916, and August 7, 1916 (2 shipments), from the State of Tennessee into the State of Mississippi, on April 6, 1916, to the State of Oklahoma, and on March 23, 1916, and July 11, 1916, into the State of Arkansas, of quantities of vinegar which were adulterated and misbranded. The article was variously labeled, "Orchard Maid Brand Pure Apple Cider Vinegar," "New York Belle Brand Pure Apple Cider Vinegar," "Elko Brand Pure Apple Cider Vinegar," or "Elko Brand Apple Cider Vinegar," and "Wallace-McLean Vinegar Co."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Determination.	Elko Brand.				New York Belle Brand.		Orchard Maid Brand.		
	March 23, 1916.	April 6, 1916.	July 19, 1916.	July 12, 1916.	July 19, 1916.	July 22, 1916.	Aug. 7, 1916.	Aug. 7, 1916.	July 11, 1916.
Alcohol, per cent by volume.....	0.15	0.14	0.64	2.54	2.18	0.19	1.72	0.22	0.33
Glycerin, gms/100 cc.....	.07	.07	.08	.05	.07	.06	.07	.07	.08
Total solids, gms/100 cc.....	.96	.97	1.43	.87	1.03	.99	1.10	1.04	1.06
Reducing sugars as invert after evaporation after inversion, gms/100 cc.....	.12	.15	.42	.12	.23	.21	.22	.20	.21
Nonsugar solids, gms/100 cc.....	.84	.82	1.01	.75	.80	.78	.88	.84	.85
Total ash, gms/100 cc.....	.21	.21	.21	.20	.20	.21	.19	.20	.19
Total acid as acetic, gms/100 cc.....	3.89	3.88	3.76	3.48	3.49	3.72	3.62	3.83	3.86
Color Brewer's scale, 1-inch cell.....	18.0	15.0	32.0	23.0	25.0	28.0	31.0	38.0	22.0
Per cent sugar in solids.....	12.5	15.5	29.4	13.8	22.3	21.2	20.0	19.2	19.8
Per cent ash in nonsugar solids.....	25.0	25.6	20.8	26.7	25.0	26.9	21.6	23.8	22.4
Solids glycerol ratio.....	13.7	13.9	17.9	17.4	14.7	16.5	15.7	14.9	13.3
Acid-alcohol glycerin ratio.....	29.5	29.3	28.2	62.3	41.8	33.4	39.4	29.7	26.8

The above analyses indicate the addition of distilled vinegar or dilute acetic acid.

Adulteration of the article in each shipment was alleged in substance in the information for the reason that a substance, to wit, either distilled vinegar or dilute acetic acid, and other foreign materials had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for "Pure Apple Cider Vinegar Reduced to 4% Acetic Strength," or "Apple Cider Vinegar Reduced by Water to 4%," which the article purported to be; and for the further reason that it was a product inferior to pure apple cider vinegar reduced to 4 per cent acetic strength, or to apple cider vinegar reduced by water to 4 per cent, to wit, a product of less than 4 per cent acetic strength, composed in part of either distilled vinegar or dilute acetic acid and other foreign materials, prepared in imitation of pure apple cider vinegar reduced to 4 per cent acetic strength, or of apple cider vinegar reduced by water to 4 per cent, and was artificially colored in a manner whereby its inferiority to pure apple cider vinegar reduced to 4 per cent acetic strength, or to apple cider vinegar reduced by water to 4 per cent, was concealed.